

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-15427
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAY 26, 2011 JOHN LEY CLERK

D. C. Docket No. 2:09-cv-00165-WCO

DOBROSLAVA FUKANOVA, as Executor of
the Estate of Frank Meccerod,

Plaintiff-Appellant,

versus

DEBORAH MECEROD,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia

(May 26, 2011)

Before TJOFLAT, HULL and KRAVITCH, Circuit Judges.

PER CURIAM:

In a comprehensive order entered on November 15, 2010, the district court

dismissed plaintiff's complaint under Fed. R. Civ. P 12(c) on the ground that plaintiff lacks capacity to bring this action as the executor of the Frank Mecerod Estate. Plaintiff appeals, arguing that the court erred in rejecting her argument that defendant's challenge to her capacity to sue was waived and in refusing to hold that the Czech Republic Bilateral Investment Treaty rendered inapplicable Georgia's ancillary probate requirement. For the reasons stated in the district court's November 15 order, we find no merit in these arguments. The court's judgment is accordingly

AFFIRMED.